

State Vs. Swapnil & Ors.

CNR No.: DLCT01-018221-2021

SC No. 748/2021

FIR No. 30/21

P.S Darya Ganj

05.02.2024

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Chetan Pangasa, Ld. Counsel for the accused, namely, Swapnil.
Mr. Gaurav Bindal, Ld. Counsel for the accused, namely, Vijay Kumar.
Mr. Bharat Dubey, Advocate with the accused, namely, Akash @ Hunny.
The accused, namely, Vijay Kumar has been produced from judicial custody.
The accused, namely, Swapnil has been produced from CJ-01, Tihar, New Delhi. (***through video conferencing***)
The accused persons, namely, Farman has been produced from CJ-03, Tihar, New Delhi. (***through video conferencing***)
The accused persons, namely, Arpit has been produced from CJ-08/09, Tihar, New Delhi. (***through video conferencing***)
Insp. Ichcha Ram is present.

Request for exemption is made by / on behalf of Insp. Raj Kumar on the ground that he has to attend proceedings before Mr. Balwant Rai Bansal, Ld. ASJ, Special Court, NDPS Act, Karkardooma Courts, Delhi in case FIR No. 121/2015 under Sec. 20 NDPS Act, PS Crime Branch, Delhi today. For the reasons stated therein, the exemption is allowed for today only.

Pursuant to the order passed on the last date of hearing, copy of medical records have been filed by the accused, namely, Akash @ Hunny. The same are taken on record.

At this stage, it has been brought to the notice of this Court that pursuant to an application moved by the

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concerned IO before the Ld. MM, seeking exemption from supplying of the copy of relevant DVD/ relevant video footage to the accused persons, the Ld. MM has made the following observations, in its order dated 13.12.2023;

“...It is seen that U/s 173(6) Cr. P.C., a police officer may make request to the Court to exclude from supplying to the accused persons part of any statement / documents filed with the charge-sheet the disclosure of which is inexpedient in the public interest. The content stated to be explicit in nature sought to be withheld by the IO for the time being to be supplied to the accused persons indeed falls in that category. Considering the same, application in question is allowed. Accused persons shall be at liberty to seek inspection of such content during trial at the appropriate time as per law before Ld. Sessions Court...”

At this stage, it is submitted by Insp. Ichcha Ram that he would supplying the relevant *Whatsapp* exchange, redacting the explicit content thereof, to the accused persons on the next date of hearing.

Part arguments have been addressed by Ld. Counsel for the accused, namely, Akash @ Hunny. It is submitted by Ld. Counsel that he would like to appreciate the contents of the aforesaid DVD, before addressing further arguments on charge.

In the interest of justice and as prayed for, list for further arguments on charge on **12.02.2024**.

IO is directed to ensure that the five sets of DVD, with redacted contents, as aforesaid are placed before this Court within a period of five days from today, whereupon, Ld. Counsel for the accused persons would be at liberty to the same against acknowledgement.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
05.02.2024